

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

JACK THOMPSON, Individually and for
Others Similarly Situated,

Plaintiffs,

v.

ALLIED STAFF AUGMENTATION
PARTNERS, INC.,

Defendant.

Case No. 3:19-cv-00127

Jury Trial Demanded

FLSA Collective Action

PLAINTIFF'S MOTION FOR NOTICE AND JOINDER

Thompson moves the Court to authorize Notice and Joinder to the similarly situated ASAP employees paid straight time for overtime.

There is no dispute regarding whether the workers are similarly situated. ASAP admits it pays similarly-situated ASAP employees in the same manner as Thompson—straight time for overtime, albeit ASAP has a different way of phrasing its illegal pay policy. *See, e.g.*, Doc. 19, at ¶ 29 (admitting ASAP paid Thompson “a non-overtime hourly rate for hours worked over 40”); Doc. 22, at 1 (admitting these workers, like Thompson, received an “hourly premium” for all hours worked, including overtime hours).

Mindful of the Court’s precedent, Thompson proposes nearly identical notice methods as those authorized in *Geiger et al. v. H.H. Franchising Sys., Inc.*, No. 3:17-cv-738-FDW, Doc. 76, at *4-5 (W.D.N.C. Nov. 27, 2018) (Whitney, J.) (approving plaintiff’s proposed, Doc. 69-E, notice with minimal changes).

For the reasons outlined in Thompson's attached memorandum, Thompson respectfully requests the Court authorize him to send notice to similarly-situated ASAP employees paid straight time for overtime.

Dated: December 13, 2019

Respectfully submitted,

JOSEPHSON DUNLAP, LLP

By: /s/ Andrew W. Dunlap

Andrew W. Dunlap

State Bar No. 24078444

(admitted pro hac vice)

Richard M. Schreiber

State Bar No. 24056278

(admitted pro hac vice)

JOSEPHSON DUNLAP LLP

11 Greenway Plaza, Suite 3050

Houston, Texas 77046

713-352-1100 – Telephone

713-352-3300 – Facsimile

rschreiber@mybackwages.com

adunlap@mybackwages.com

AND

Christopher Strianese, NC Bar No. 46918

Tamara Huckert, NC Bar No. 35348

3501 Monroe Rd.

Charlotte, NC 28205

Tel: 704-966-2101

chris@strilaw.com

tamara@strilaw.com

ATTORNEYS IN CHARGE FOR PLAINTIFF

CERTIFICATE OF SERVICE

On December 13, 2019, I served this document on all parties and/or their counsel of record via the Court's ECF System in accordance with the Federal Rules of Civil Procedure.

/s/ Andrew W. Dunlap
ANDREW W. DUNLAP

CERTIFICATE OF CONFERENCE

Prior to filing this Instant Motion, Thompson's Counsel conferred with ASAP's Counsel regarding the relief requested herein. ASAP's Counsel indicated that ASAP is opposed to the requested relief.

/s/ Richard M. Schreiber
RICHARD M. SCHREIBER

CERTIFICATE OF WORD COUNT

I hereby certify that the foregoing brief complies with the Court's word limitations.

/s/ Andrew W. Dunlap
ANDREW W. DUNLAP